

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

57

January 25, 2017

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Pai:

We are writing to ask that you close the docket on the set-top box proceeding, MB Docket No. 16-42, and signal clearly to consumers, content producers, consumer electronics manufacturers, and video programming distributors that the Commission's consideration of its set-top box proposal is at an end.

There are numerous reasons that the Commission should close this docket. First, on a procedural note, the Commission should engage in the healthy practice of closing dockets that are no longer under active debate and consideration. Closing dockets can provide industry and consumers with a clear understanding of the FCC's assessment and plan of action. In this instance, the Commission attempted to achieve consensus on the set-top box plan as originally drafted but was unable to draw the necessary support for the proposal. Rebuffed by his fellow Commissioners, Chairman Wheeler chose to forge ahead with a significantly modified proposal, without further formal notice and comment, which again stalled for lack of support. The shortcuts around good process taken by Chairman Wheeler have tainted this proceeding and necessitate its closure.

Second, the FCC's proposal remains an unnecessary regulatory threat to the content creation and distribution industries. Content creators have argued that the proposed set-top box plan undermined their ability to protect copyrights and contracts. Without a clear indication that the Commission rejects this current proposal, content creators will be hesitant to invest in high-quality video programs. Minority programming creators, in particular, have argued that the Commission's proposal would rob them of audiences and the benefits of hard-negotiated contracts, ultimately limiting the availability of diverse programming to viewers. Similarly, video programming distributors have claimed that FCC's proposal would undermine their ability

to comply with their contractual obligations to display programming and would erode the advertising value of their audiences. Without a clear indication that the Commission rejects this current proposal, video programming distributors will not know whether their contracts will violate FCC policy. Ironically, the set top box proposal, meant to bring choices to consumers, would have the opposite effect, delaying the benefits of new programming and diverse content from reaching consumers.

Finally, this docket should be closed to give video programming distributors a clear sign that they can bring technological advances to set-top boxes and video delivery without fear that the Commission overturn them by regulation. Cable, satellite, and over-the-top video services are innovating, bringing their services to apps on new platforms, and responding to consumer demand. We should be fostering that kind of consumer-focused innovation, not mandating a one-size-fits-all "innovation."

The regulatory overhang of set-top box regulation has cast a shadow over investment and innovation in traditional video programming delivery. This has pushed video programming and delivery innovation out to the edge, which is currently unhampered by regulation. We believe that the best way to foster real choice in video programming delivery and bring consumers the services they want is to permit these innovations to flourish in all parts of the video ecosystem, not through a top-down Federal mandate. Accordingly, we urge you to close this proceeding and permit this industry to innovate and serve consumers free from the restrictions of a government-chosen platform.

Should you have any questions about the contents of this letter, please contact Grace Koh or David Redl with the Committee Majority staff at (202) 225-2927.

Sincerely,



Greg Walden
Chairman
Committee on Energy and Commerce



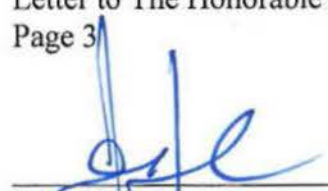

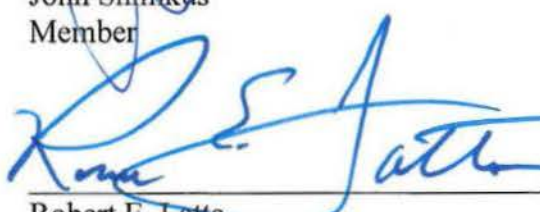






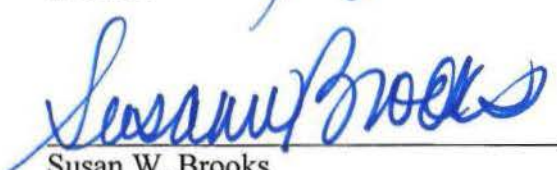



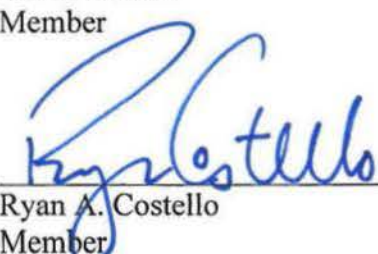
Marsha Blackburn
Chairman
Subcommittee on Communications
and Technology



Joe Barton
Vice Chairman
Committee on Energy and Commerce



Leonard Lance
Vice Chairman
Subcommittee on Communications
and Technology


John Shimkus
Member
Steve Scalise
Member
Robert E. Latta
Member
Brett Guthrie
Member
Pete Olson
Member
Adam Kinzinger
Member
Gus M. Bilirakis
Member
Bill Johnson
Member
Billy Long
Member
Bill Flores
Member
Susan W. Brooks
Member
Chris Collins
Member
Kevin Cramer
Member
Mimi Walters
Member
Ryan A. Costello
Member

cc: The Honorable Frank J. Pallone, Jr., Ranking Member
Committee on Energy and Commerce

The Honorable Michael F. Doyle, Ranking Member
Subcommittee on Communications and Technology



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 13, 2017

The Honorable Mimi Walters
U.S. House of Representatives
215 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Walters:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

Furthermore, I agree with your view that the Commission should close dockets "that are no longer under active debate and consideration." At this time, however, I believe that it would be premature to close this docket. In this proceeding's Notice of Proposed Rulemaking, the Commission teed up certain issues that were not related to my predecessor's flawed set-top box scheme. In particular, the FCC sought comment on eliminating the current CableCARD reporting requirement, and I do not want to impede our ability to take appropriate action with respect to this regulation in an efficient manner by immediately closing this docket.

I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai

P.S. Congresswoman, I was pleased to see that you had joined the Energy and Commerce Committee, and the CFT Subcommittee in particular! Please don't hesitate to get in touch if I can be helpful on matters of importance to you and the 45th District.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 13, 2017

The Honorable Steve Scalise
U.S. House of Representatives
2338 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Scalise:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai

P.S. Congressman, it's truly been a pleasure working with you, Eric, and the rest of your team over the years. And thank you for your support - it's an honor to lead this agency. If I can be helpful on matters of importance to you - or if you just want to grab some coffee at a CC's in Metairie sometime - let me know!



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Joe L. Barton
U.S. House of Representatives
2107 Rayburn House Office Building
Washington, D.C. 20515

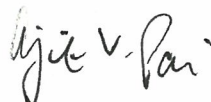
Dear Congressman Barton:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,


Ajit V. Pai

P.S. Congressman, I've enjoyed working with you and your staff over the past few years. Don't hesitate to get in touch if I can be helpful on matters of importance to you and the Sixth District!



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Gus Bilirakis
U.S. House of Representatives
2112 Rayburn House Office Building
Washington, D.C. 20515

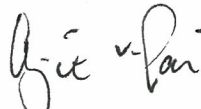
Dear Congressman Bilirakis:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,


Ajit V. Pai

P.S. Congressman, it's been a pleasure working with you and your staff over the past few years. Don't hesitate to call on me if I can be helpful on matters of importance to you and the 12th District, such as pirate radio enforcement.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 13, 2017

The Honorable Ryan Costello
U.S. House of Representatives
326 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Costello:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai

P.S. Congressman, I was pleased to see that you joined the Energy and Commerce Committee, and CFT in particular! I look forward to working with you. Please don't hesitate to get in touch if I can be helpful (though in the interest of disclosure, I haven't gotten over Villanova beating Kansas in the 2016 NCAA tournament).



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 13, 2017

The Honorable Bill Flores
U.S. House of Representatives
2440 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Flores:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai
Ajit V. Pai

P.S. Congressman, it's been a pleasure working with you over the years, from Washington to Texas. Please don't hesitate to get in touch if I can be helpful on issues of importance to you and the 17th District!



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 13, 2017

The Honorable Brett Guthrie
U.S. House of Representatives
2434 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Guthrie:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai

P.S. Congressman, I've enjoyed working with you over the years (and even seeing you in the airport on occasion). Thanks for your leadership on issues like federal spectrum. And if I can be helpful on matters of importance to you and the Second District, don't hesitate to get in touch!



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Leonard Lance
U.S. House of Representatives
2352 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai

P.S. Congressman, I've truly enjoyed working with you over the years - the eloquence and principles you've brought to debates have been much-appreciated. Please don't hesitate to get in touch if I can be helpful on matters of importance to you and the Seventh District!



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Pete Olson
U.S. House of Representatives
2133 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Olson:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

Ajit V. Pai

P.S. Congressman, it's been a real pleasure working with you over the years. Thank you for your support and your leadership. If I can be helpful on matters of importance to the 22nd District, don't hesitate to let me know!



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Marsha Blackburn
Chairwoman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairwoman Blackburn:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ajit V. Pai", is written over the typed name.

Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

April 13, 2017

The Honorable Susan W. Brooks
U.S. House of Representatives
1030 Longworth House Office Building
Washington, D.C. 20515

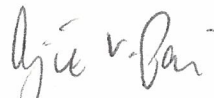
Dear Congresswoman Brooks:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Chris Collins
U.S. House of Representatives
1117 Longworth House Office Building
Washington, D.C. 20515

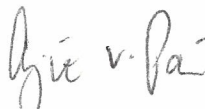
Dear Congressman Collins:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Kevin Cramer
U.S. House of Representatives
1717 Longworth House Office Building
Washington, D.C. 20515

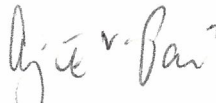
Dear Congressman Cramer:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Bill Johnson
U.S. House of Representatives
1710 Longworth House Office Building
Washington, D.C. 20515

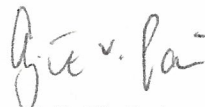
Dear Congressman Johnson:

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I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Adam Kinzinger
U.S. House of Representatives
2245 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Kinzinger:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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Sincerely,

A handwritten signature in dark ink, which appears to read "Ajit V. Pai". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Bob Latta
U.S. House of Representatives
2448 Rayburn House Office Building
Washington, D.C. 20515

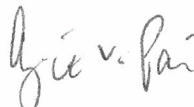
Dear Congressman Latta:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

Furthermore, I agree with your view that the Commission should close dockets "that are no longer under active debate and consideration." At this time, however, I believe that it would be premature to close this docket. In this proceeding's Notice of Proposed Rulemaking, the Commission teed up certain issues that were not related to my predecessor's flawed set-top box scheme. In particular, the FCC sought comment on eliminating the current CableCARD reporting requirement, and I do not want to impede our ability to take appropriate action with respect to this regulation in an efficient manner by immediately closing this docket.

I appreciate your interest in this matter and your views are very important to me. Please let me know if I can be of any further assistance. I look forward to continuing to work with you in the time to come.

Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Billy Long
U.S. House of Representatives
2454 Rayburn House Office Building
Washington, D.C. 20515

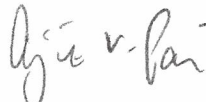
Dear Congressman Long:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable John Shimkus
U.S. House of Representatives
2217 Rayburn House Office Building
Washington, D.C. 20515

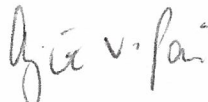
Dear Congressman Shimkus:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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Sincerely,


Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

April 13, 2017

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

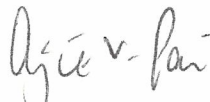
Dear Chairman Walden:

Thank you for your letter regarding the set-top box proceeding. As Chairman, I share your goal of promoting a clear, consumer-focused, fair, and competitive regulatory path for video programming delivery. Because I do not believe that the set-top box *Order* circulated by my immediate predecessor furthered this goal, I have removed it from circulation. As such, it is no longer pending before the Commission, and I do not intend to resurrect it.

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Ajit V. Pai